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January 22, 2018

VIA ECF

Honorable Claire C. Cecchi, U.S.D.J.
U.S. District Court for the District of New Jersey
Martin Luther King Jr. Bldg. & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Re: **Immunex Corp., et al. v. Sandoz Inc., et al.**
Civil Action No. 16 CV 1118 (CCC)(MF)

Dear Judge Cecchi:

We, together with Winston & Strawn LLP, represent defendants Sandoz Inc., Sandoz International GmbH and Sandoz GmbH (collectively, "Sandoz") in the above-referenced matter. Please accept this letter confirming that Sandoz is prepared to try this case commencing on April 17, 2018 pursuant to this Court's Scheduling Order, and has taken substantial steps to assist the Court in maintaining the current schedule.

Plaintiffs Immunex Corporation, Amgen Manufacturing, Ltd. and Hoffman-La Roche ("Plaintiffs") moved to strike three non-infringement opinions from the November 3, 2017 expert report of Dr. Capon. On Thursday, January 18, 2018, Judge Falk denied that motion and directed the parties to meet and confer regarding the curative discovery needed to mitigate the prejudice, if any, suffered by Plaintiffs as a consequence of his decision. As a result of our discussions with counsel for Plaintiffs – both before and after Judge Falk's decision – we realized that concluding the additional discovery while maintaining the April trial date would require the substantial oversight and intervention of the Court.

Sandoz's over-arching concern is maintaining the April trial date. Plaintiffs have informed us – repeatedly and as recently as Friday January 18th – that they would be prepared to try the case on the scheduled date of April 17, 2018 if Sandoz would only withdraw the Capon expert opinions to which they objected in their motion to strike. As a result, following lengthy internal deliberation, Sandoz informed Plaintiffs on Saturday, January 20, 2018, that it would withdraw the Capon opinions that they moved to strike, essentially consenting to the relief sought by their motion. Sandoz did so in express reliance upon Plaintiff's repeated representations that this step would permit the matter to be tried commencing on April 17, 2018.

HILL WALLACK LLP
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Plaintiffs' response to Sandoz's acceptance of their offer was to immediately attempt to unilaterally cancel the expert depositions of Messrs. Capon and Wall, which have been long scheduled for this week. We anticipate that this issue will be brought to Judge Falk.

In addition to withdrawing the portions of the Capon report to which Plaintiffs objected, and so long as the trial proceeds on April 17, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] We take this step, in addition to the withdrawal of the objected-to aspects of the Capon expert report, to facilitate the Court's efforts to manage its workload in anticipation of trying this matter commencing April 17, 2018.

Respectfully submitted,

/s/Eric I. Abraham
ERIC I. ABRAHAM

Cc: Honorable Mark Falk, U.S.M.J.
All Counsel of Record (via email)